

2

O.F. 71.

19 35

Department of J. R. Hutt.

OFFICE Board of Rev.

STATION Madras

His. No. 4644

Dated 24-12-35

Pages in the file

(SUBJECT.)

Est - Rev. (South Kanara) - Mangalore
T/K - Hindu village R. S. N. 118/

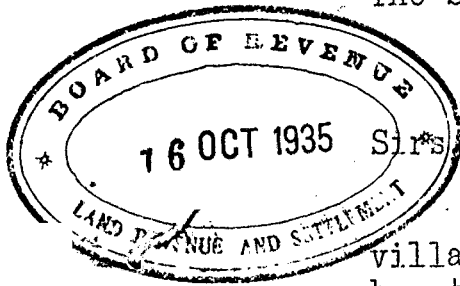
In answer to my - Appeal
Orders passed.

Mangalore,
Dated 6th Oct. '35

P = LRU11

F 3997

To,
The Secretary to the Commissioners of Lands,
Revenue and Settlement
Chepauk, Madras.



I, Kalladigoli Shiva Aithala, Pattadar No. 7. of village No. 166, Mudu, Managalore Taluk, South Kanara District beg to submit the following appeal against the orders of the Special Assistant Settlement Officer in charge, Party No. III Cuddappah, passed in respect of R.S. No. 118/2 & 7 (L. Dis 1912-35 of 31-8-35) received by me on 17-9-35

To I. A.

P.C. to put for additional court fee stamp of the value of Rs 0.8-0 for the S.A.S.O.'s order. called for to be submitted before 18-35

19-10-35
WJ
2/10

2. At the last settlement, these two fields R.S. No. 118/2 & 7 were registered as gardens 3rd and 4th tarams respectively and they have been assessed at the rate of Rs 6/12/- & Rs 5/10/- per acre respectively at the resettlement, applying the general resettlement enhancement of annas two in the rupee. R.S. No. 118/ measures 1.16 ac. and R.S. No. 118/7, 86 cents. I have applied to the Special Assistant settlement Officer in charge for the transfer of the old registered garden fields R.S. No. 118/ 1, 2, 7, & 9, to dry, on the ground that they are unfit for garden cultivation, due to causes beyond my control amongst other grounds. But the Officer was pleased to consider my request only in respect of R.S. No. 118/1 & 9 and not in respect of R.S. No. 118/2 & 7. in respect of which the present appeal has been submitted.

3. The Special Assistant Officer states in his order that the conditions required under para 17 /a of the resettlement notification have not been satisfied in respect of R.S. No. 118/ 2 & 7 and thus my request for the transfer of these garden fields, to dry, cannot be complied with. According to the above notification, the transfer from garden to dry, can be carried out only on satisfactory proof that owing to causes beyond the ryots control, the land has become permanently unfit for garden cultivation. The Special Assistant Settlement Officer has apparently passed unfavourable orders taking into account the existence of two or three old settlement garden trees in these two fields in question. These trees have almost become past-bearing and will have to be felled down in a year or two. The Officer seems to think that with the usufruct of these few old garden trees the assessment of these garden fields to the extent of Rs 13 and odd can be paid to the Government without demur nor can the existence of a few old and past-bearing trees justify the retention of these two fields as ' Garden ' till eternity. Government cannot also attribute to the present

state of these ~~(of these)~~ fields with practically no bearing garden trees to my neglect. On more than two occasions I planted a large number of Areca & Cocconut plants in these two fields and employed a whole-time servant to look after these tiny plants so that they may become full grown trees in the long run. My money and labour have been spent in vain as they are not commensurate with the advantages derived. These plants completely died out and a few plants which remain are also in the process of decay. It is humanly not possible to rear up any more garden plants endlessly without any benefit. When it is not possible to rear up any garden plants the wild and jungle plants take ~~their~~ their place in view of the fact that the usual care bestowed in the fields have to be withdrawn automatically and they begin to grow spontaneously. The existence of the wild plants and jungle trees is not due to any active part by me. The remark passed by the Officer in his orders to the effect that I have allowed the field to be over-grown with wild plants and jungle trees is not therefore just and proper. I beg to submit that I am not expected to spend a large sum of money to no purpose, simply because to satisfy Government orders and to pay on the exorbitant assessment year after year without reaping any fruit from these fields.

4. The reasons for the decay of the old garden trees and the plants planted a-fresh at intervals are not hard to seek. The decay is due to the rocky soil and want of facilities for water to bring them up. Water cannot be secured always and specially during the months of December to May the water problem is a difficult one to be solved. In the absence of sufficient facilities for water it is practically well-nigh impossible to renew the old gardens as 'gardens' always. The rocky nature of the soil is not at all adapted for garden cultivation. At the last settlement the Settlement Department could have registered them as 'garden' merely taking into account the existence of a few bearing garden trees at that time. The quality of those trees, the nature of the soil and the resultant yield that may be expected from them have not at all been seriously taken ~~(into)~~ notice of, as is the case, at the present resettlement. On account of this error, I am destined to suffer for an indefinite period, through no fault of mine. This must be an old settlement error in having registered these fields as gardens. When the soil is rocky and there are no sufficient ~~water~~ facilities for water, how is it possible to retain these fields as gardens always and during the cycles of resettlements?

5. The Board may be pleased ^{that} to consider ^{the} reasons adduced above are themselves sufficient proof that these lands have become permanently unfit for garden cultivation due to causes beyond my control. This aspect of the question may kindly be reconsidered and orders passed to the effect

for the transfer of the garden fields R.S. Nos. ¹¹²112/2&7 also to dry.

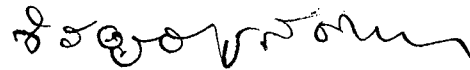
6. The petition file may be called for from the Officer and the facts verified.

7. The orders of the Special Assistant Settlement Officer in charge L. Dis 1912-35 dated 31-8-35 appealed against are submitted in original, *with due C.F. Stamp attached.*

I beg to remain

Sir,

Your Most obedient Servant.



Address.

SHIVA. AITHALA

V. NO 166. SAJI PA. MUDU

BANTWAL POST.

(~~Via~~) MANGALORE TALUK.

Proceedings of the Special Assistant Settlement
Officer in charge of Revenue Settlement Party No.III
Cuddapah.

L.Dis. 1912-35 dated 31-8-35

Settlement- Resettlement- (South Kanara)- Mangalore Taluk-
Village No.-166 Mudu- R.S. Nos' 40/1B,1C, 116/2A etc-

Recalssification- Transfer of wet and garden from one class
or description to another - Appeal.

- Read:
- (i) petition dated 3-6-35 from M.R.Ry Kalladigoli Siva Aithala.
 - (ii) R.O.C. 199/Supr dated 17-6-35 of the Mangalore Branch Office.
 - (iii) notes of re-inspection dated 21-7-35 and 29-7-35
 - (iv) connected records and notes obtained from Branch Office.

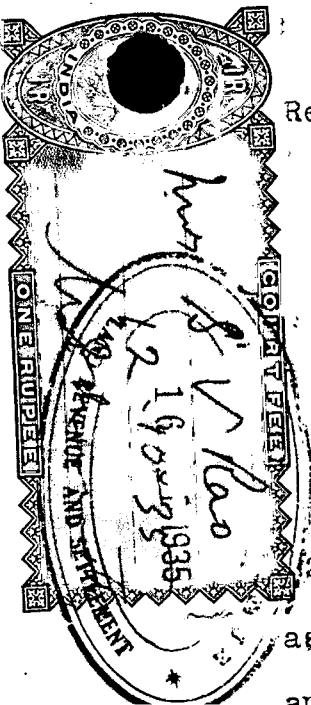
Order.

Of the 18 lands mentioned in the appeal only one R.S No.118 (24 cents)- is dry⁺ and has been reclassified. It has been reclass as garden and assessed at Rs 4-8-0 an acre. On re-inspection the appellant's allegation of want of yield is found true. There are no doubt sufficient trees- 3 cocos and an areca- but they are past bearing, being old and decaying. The registry as garden will therefore be cancelled and the land will be retained as dry.

2. All the remaining lands are either registered wet or garden which the appellant wants to be transferred from one class or description to another. They are dealt with in detail below:

- (i) R.S.Nos' 40/1B, 40/1C, 116/3B, 117/2B, 117/2E, 118/3B, 118/3c, 118/12B, 119/1A and 244/4B.

They are all registered wet. During resurvey, portions of wet I, II and wet III were clubbed together by the Survey Department in accordance with enjoyment and were registered under the class of the main field. At resettlement this was not interfered with where the portions clubbed were of trivial extent and assessment but where they could not be so ignored and deleted the portions were de-clubbed and subdivided, their original registry as wet I or wet II or wet III being restored. All these lands with the exception of R.S. 118/12B are wet I so separated at resettlement from wet II or wet III with which they had been clubbed at resurvey. R.S. 118/12B is wet II so separated from wet III. The appellant's request is that they may all



be re-registered as at resurvey according to their present state ground and assessed at the corresponding lower rates. This is objectionable as it will involve transfer of registered wet lands from one class to another which cannot be done at resettlement. It is clearly laid down in the resettlement notification that the existing classification of wet lands should not be disturbed and these lands have therefore to remain in the same class in which they were placed at the last settlement. The appellant's request is inadmissible.

4 (ii) R.S.No.116/2A. R.S.No.116 was formed by clubbing two pieces of wet lands: one wet I, the other wet II. The two plots were afterwards separated at resettlement and subdivided as 116/2A and 166/2B. The appellant points out that 116/2A which now stands registered as wet I is actually wet II and requests that its registry may be so altered. On an examination of the records his statement is found true. There has been a wrong interchange of entries, subdivision 2A being noted as wet I instead of wet II and subdivision 2B as wet II instead of wet I. The mistakes will now be rectified and an erratum issued.

5 (iii) R.S.No.113/12A. This wet III with an area of 1.21 acre. The appellant alleges that a portion of 30 cents of dry has been included in it ^{and} applies for its subdivision and registry as dry. On a scrutiny of the records it is seen that there has been no clubbing of dry at resurvey and that the entire plot has been wet III from the last settlement. It is not permissible to subdivide a registered wet-land and transfer part of it to dry at resettlement. The appellant's request cannot therefore be complied with.

(iv) R.S.No. 244/3B. This wet land comprises a small bit of registered garden clubbed with it at resurvey. Its extent being only 10 cents with an assessment of 3 annas, it was not separated. The appellant says it is stony ground and wants it to be subdivided. Its extent being too small for subdivision, his request cannot be granted.

(v) R.S.No. 120/2. This field was formed by clubbing a garden

worked out ~~in the~~ reference to the area and rate of the two gardens and the appellant is informed that he can therefore have no loss and hence no greivance.

(vi) R.S.Nos' 118/2, 7 & 9. They are registered gardens which the appellant requests may be transfered to dry as they are lying ^{inade} ~~was~~ and give no yield for want of water and are unfit to be treated as garden. They have now been inspected. Both 118/2 and 7 contain garden trees. In the former they are only a few in number (3 Jacks and 2 arecas) but much of the land is allowed to be overgrown with wild plants and jungle trees. In the latter there are 3 cocos, 2 jacks, 6 jacks not bearing and 20 areca and 3 coco plants. About neither of these fields can it be said that it has become permanently unfit for garden cultivation. According to para 17(a) of the resettlement notification transfer from garden to dry can be carried out only on satisfactory proof that owing to causes beyond the ryot's control the land has become permanently unfit for garden cultivation. This condition is not ~~xsatisfied~~ satisfied in the case of R.S Nos' 118/2 and 7. The appellant's request for their ~~xxxxxx~~ transfer to dry cannot therefore be complied with. In regard to R.S 118/9, however, it is seen that ^{it} is now cut ~~up~~ up by a deep ravine which has practically made it unsuited to garden cultivation. Its whole extent is only 14 cents and it is reported that the ravine occupies the major part and that the two coco plants planted in the 4 cents of high ground are dying. This land will be transferred to dry 8-3,4 like the adjoining dry fields 118/6 and 113.

Krishnamoorthy

Special Assistant Settlement Officer in charge.

To the appellant.

Copy to the Supervisor, Mangalore Branch Office, with the records returned.

97
 10/11
 RP 131
 10/11
 F-4173

ಮಹಾರಾಷ್ಟ್ರ ರೇವೆನ್ಯೂ ಸೆಕ್ಷನ್ 105 ರನ್ವೇಷನ್ ನಿಯಮಾವಳಿ

ಅಭಿ ಸ ರ ರ ರ ಸ. 21 ರನ್ವೇಷನ್.

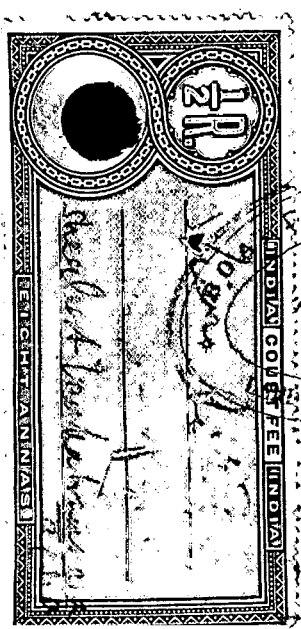


25-10-1935 ನೇ ಇಸವಿ

ಮೊಗ್ಗು ರು ಕಾಲಾಸು ಸಭಾ ವಲಾಡುಗ್ಗು ಮಹಕಂ
 ದುರು ವಾಸುವೈ ವ್ಯಕ್ತಿರವರು ಕಲ್ಲು ಜಿಲ್ಲಾ ಕೆವ
 ಲ್ರಾಶ್ಯ ಸುಬರ ಕೊಂಡ ಅಚ್ಚಿ ಕೆವಳು ಸಂಪನ್ಮೂಲ.

ಸಲ್ಲಿ ದಾ ನ.ದ ನಂ. 1-3997/35 ಕೆ

21-10-35. ನೇ. ಹುಕೂಂ. 370 ಪೈಕ್ಯಲಿ ಅಕಿವಾಂ
 ಸೆಕ್ಷನ್ 105 ರನ್ವೇಷನ್ ಅಭಿ ಸ ರ ರ ಹುಕೂಂವಿಡಿ ಹುಕೂಂ ಕೊಂಡ
 ಕೆವಳು ಕೆವಳು ಕೆವಳು ಕೆವಳು ಕೆವಳು ಕೆವಳು ಕೆವಳು ಕೆವಳು
 ಕೆವಳು ಕೆವಳು ಕೆವಳು



V K.F. XXII B-21-A-3,006-27-9-27.

No. F 3997/15

OFFICE OF THE BOARD OF REVENUE,
LAND REVENUE AND SETTLEMENT, CHEPAUK

Dated 21-10-1935

M.R.Ry. Kallamuthi Shiva Adichala of
Mudur is informed that his petition dated 6-10-35
has been received by the Board of Revenue but is defective in the following
respects:—

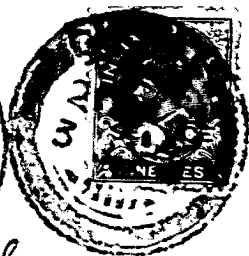
Want of additional court fee stamp of the
value of Rs 0-8-0 to be affixed to the
S.A.S.O.

The defect should be supplied before 10-11-35 failing which
the petition will be rejected

[Signature]
19-10-35
First Assistant.
N.B.—The number at the top should be quoted in the reply. *[Signature]*

On H.M.S

M. R. Ry.



Shiva Aithala

Say, Mandu village

Bantval Post

Mangalore Taluk

South Kanara Dt



Office of the Board of Revenue

and Revenue and Settlement, Madras

DRAFT FOR APPROVAL

Date. Initials.

SUBJECT:—

When received for
fair copying

When copied

When examined

When signed

When despatched.

7/2/35	W
JESPATC	WEEKS
SECTION	3 8/11

READ AGAIN_____

_____, dated_____

_____, 19__

READ ALSO:

No._____From the_____

No._____, dated 7.39.97/35 19__ 2

_____, 19__

_____, 19__

_____, 193

Order Ms. F.3997-34-1
Resolution Rout. No._____, dated_____

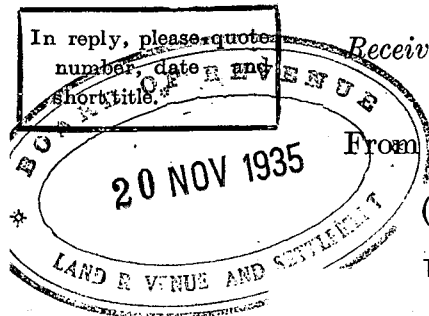
C.F. 32 (a).

Settlement Party. ~~DEPARTMENT~~

In reply, please quote
number, date and
short title.

Received_____

Registered_____



From (Name) D.I.R. Muir Esquire I.C.S.,

(Designation) Special Settlement Officer, Party No. 111

Post Box

STATION)

Cuddapah.

Telegraphic Address_____

To

The Secretary to the Commissioners of
Land Revenue and Settlement,
Chepauk, M a d r a s.

A1. No. 3787.35.1, dated 15.11.35. 19

Sir.

Settlement - Resettlement - South Kanara - Mangalore
taluk - Mudu village - R.S. Nos. 118/2 and 7

Transfer to dry - Appeal.

ENCLOSURES
(The appeal petition
to the Board in
original -3 sheets)

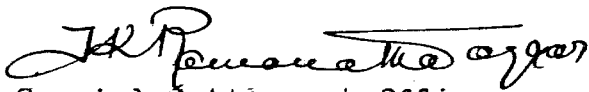
SPARE COPIES_____

Board's reference No. F.3997-35-1 dated 6.11.35.

- p 15 above

⑦ I submit herewith this office file L.Dis.1912-35 dated 31.3.35 containing the orders of the Special Assistant Settlement Officer in charge refusing the transfer of R.S.Nos.118/2 and 7 (Old garden) to dry on the ground that they do not satisfy the conditions laid down in paragraph 17 (a) of the resettlement notification. I have no remarks to offer.

S.A.16.11.35.


For Special Settlement Officer.


16-11-35.

DRAFT FOR APPROVAL.

	Date.	Initials.
When received for fair copying ..		
When copied ..	5/12/25	Cekp
When examined.		
hen signed		
When despatched.		

SUBJECT:—

Satt - Reatt - (South Kanara) -
Mangalore TK - Madhu village -
R. S. No 118 / 297 - Transferred
to ang - appeal - Orders passed.

READ AGAIN..... dated..... 19..

READ ALSO:—

No. From the , No., dated..... 19..

” ” 19..
” ” 19..

Order Ms.
Resolution Rout. No. 4644, dated 4 12 19 35.

19..
F. 3997/35 - R. p/c f
F. 4413/25 - R to S.S.O.
19 25 48 5/10/25

order in refusing the transfer
of the fields to dry under para
17(a) of the rect. notification.
The S.S. is accordingly requested
to have the two fields R. S.
N.O. 118/347 transferred to dry

2. The petition is
referred to the ~~ex~~ S.S.
Party N.O. III, Cuddalore, for
orders on his petition.

8
3-12
WJ
3/12

Sitt. - Desett. - (South Kanara) - Mangalore
--- TK - Mundu village - R.S. 118/247 -
--- Transfer to dry - Appeal.

F. 3997 / 35 p 10 f

4-S. (Sitt.)

Please see the appeal petition
at pp. 1-5 c.f. appealing against the
S.S.O.'s order who declined to transfer
two fields, R.S. 118/247 from garden to
dry. The S.S.O.'s order is dated 31-8-35.
The appeal was received in this office
on 16-10-35. The time for appeal
allowed under the Sitt. notification is 40
days from the date of the order appealed
against exclusive of the time which the
order will take to reach the party.
The net delay beyond the period of 40 days
is in this case 6 days & it can be
assumed that this period would have
been necessary for the order to reach
the party. The appeal may therefore
be admitted & forwarded to the S.S.O.
for submission of the relevant records
with his remarks. Draft submitted.

In A.S. (S.A.)

^{nr 3}
J.S.
A.S. (S.A.)

Please see the previous note

& the S.S.O.'s letter at p 17 c.f. submitting his office
the record in the matter.

R.S. 118/2, 7, & 9 ^{of Hindu village, Mangalore T.K.} are old registered garden fields. The registered holder applied for the transfer of these fields to dry on the ground that they had become permanently unfit for garden cultivation.

The S.A.S.O. sanctioned the transfer of one field R.S. 118/9 to dry and rejected the request in respect of the other two. The present petition to the Board is an appeal ^{pp 25 & 26 of ⑦} against the order of the S.A.S.O. in respect of R.S. 118/2 & 7. ^{pp 1-5 c.f.}

Under para 17(a) of the Rules. ^{p 8 of ⑤}
notification a garden can be transferred to 'dry' if the registered holder applies for the transfer & if satisfactory proof is forthcoming that owing to causes beyond the ryot's control ~~satisfactory proof~~ ~~forthcoming~~ the land has become permanently unfit for garden cultivation. The Inspector to whom the appeal petition to the S.A.S.O. was forwarded for local inspection reported that the two fields

R.S. 118/2 & 7 lie on the slope of ~~the~~ ^{the} ~~undulating~~ ^{undulating} hills & that almost their entire extent is rocky, waste & covered with wild plants & shrubs. He ~~also~~ reported that in R.S. 118/2 there were only 2 old & fruit-bearing areas & 3 jacks two of which are not bearing while in R.S. 118/7 there were 3 ~~acres~~, 2 bearing ^{jacks} & 6 non-bearing plants, 20 area plants & 3 coconut plants. According to him the trees are in a decayed state owing to lack of water facilities in summer & the rocky nature of the soil and that the efforts of the registered holder to renovate the garden have proved futile. The S.A.S.O. however has rejected the request to transfer the fields to dry, his reasons being that though in R.S. 118/2 there are only a few trees the registered holder had allowed it to be overgrown with wild plants & jungle trees, while in the case of R.S. 118/7 there are 3 ~~acres~~, 2 ^{bearing} jacks, 6 jacks not bearing & 20 areas & 3 coconut plants and that consequently ^{could be deemed to} [neither of the fields] have become permanently unfit for garden cultivation owing to causes beyond the ryots' control. The extents of the two fields are not known. Even if it be considered that the existence of a large number of trees in R.S. 118/7 is proof that the field has not become

permanently unfit for garden cultivation
the same cannot apply to R.S. 118/2
The S. A. S. I.'s reason to refuse the
transfer to dry veg. that the petitioner
has allowed the field to be overgrown
with wild plants & trees does not seem
convincing in the face of the Inspector's
statement that the soil is unfit for
garden cultivation & that the attempts § 10 of (T)
of the petitioner in renewing the garden
proved futile owing to this defect as
well as lack of adequate water supply.
None but the Inspector appears to have
made any local inquiries or inspected
the condition of the field. In the circum-
stances it seems that the petitioner
has a case for transfer of R.S. 118/2
to dry. For orders.

It appears from the Inspector's report
that the efforts made by the land holder
to raise a garden in these 2 fields proved
unsuccessful owing to the rocky
nature of the soil and the ~~bad~~ (Hill slope with no springs)
want of water facilities. It is
evident from the circumstances of
the case that even if a few trees
were to grow on the lands with
great difficulty the field will be

practically nil or very poor. This is due to cir-
cumstances beyond the landholders' control
and the fields in question are, be
transferred to dry

the 28/11/55.

J.

M3

On the basis of the report made
by the S.H. Inspector it is difficult
to justify the S.A.S.O's order

the
30.11

M3

Both 118/2 and
118/7 should also be
transferred to dry
No other order is
possible on the
report of the Inspector